

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

<b>STEVEN SMITH,</b>	:	<b>CIVIL ACTION NO. 1:05-CV-1729</b>
	:	
<b>Plaintiff</b>	:	<b>(Judge Conner)</b>
	:	
<b>v.</b>	:	
	:	
<b>THE MUNICIPALITY OF LYCOMING COUNTY, et al.,</b>	:	
	:	
<b>Defendants</b>	:	

**ORDER**

AND NOW, this 17th day of July, 2006, upon consideration of the motion to dismiss (Doc. 15) filed on behalf of defendants Keenan, Verzella, Schildt, Heilman, Mowatt and Huang, and it appearing that because the parties have presented matters outside the pleadings which cannot be excluded, the Court is compelled to convert the motion to one for summary judgment, See FED.R.CIV.P. 12(b) (“If on a motion asserting the defense numbered (6) to dismiss for failure of the pleading to state a claim upon which relief can be granted, matters outside the pleading are presented to and not excluded by the court, the motion shall be treated as one for summary judgment and disposed of as provided in Rule 56, and all parties shall be given reasonable opportunity to present all material made pertinent to such a motion by Rule 56”), it is hereby ORDERED that:

1. Defendants’ Motion (Doc. 15) pursuant to FED.R.CIV.P. 12(b)(6) is converted to a motion for summary judgment pursuant to FED.R.CIV.P. 56.
2. Defendants are afforded until July 27, 2006, to file any additional material they deem pertinent.

3. Plaintiff is afforded until August 7, 2006, to submit any further material and to reply to any additional documentation that may be submitted by defendants.

/s/ Christopher C. Conner  
CHRISTOPHER C. CONNER  
United States District Judge